

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14080 of 2019

Arising Out of PS. Case No.-258 Year-2017 Thana- BIHIA District- Bhojpur

JITENDRA SINGH S/o Late Rajendra Singh Resident of Village- Baruna,
P.S.- Behea, District- Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs. Sudha Chandra Mr. Surendra Kumar Singh
For the Opposite Party/s :		Dr. (Mrs.) Indihar Kumari, APP
For the BSFC	:	Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 12-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Behea P.S. Case No. 258 of 2017 for the offence under Sections 406 and 420 of the Indian Penal Code and Section 7 of the Essential Commodities Act.

The petitioner is, admittedly, Chairman of Osai PACS in the district of Bhojpur. On the basis of cash credit facility allowed by the Central Cooperative Bank, Bhojpur, to the tune of Rs.45 lakhs, the PACS had purchased 3017.90 quintals of paddy from 58 agriculturists. Under the scheme of the Government, against the paddy, so procured, the PACS was required to supply proportionate C.M.R. to the tune of 2021.10 quintals to Bihar State Food Corporation Limited.

It is alleged in the First Information Report that not



even one gram of C.M.R. has been supplied to the B.S.F.C. Accordingly, it is alleged that the petitioner, being the Chairman of the PACS, has misappropriated the entire paddy worth Rs.44,81,581.50.

Learned counsel appearing on behalf of the petitioner has submitted with reference to Annexure-2 that in the absence of the petitioner, Members of the Executive Committee of the said PACS had held a meeting and has submitted that because of the pressure being mounted by the Government, it was decided to get the paddy milled through a different rice mill for the purpose of handing the C.M.R. over to the State Government. He, accordingly, submits that it is not the petitioner, who is responsible for the offence alleged, rather misappropriation has taken place in his absence when he was busy in connection with his father's treatment.

Considering the nature of accusation and the volume of misappropriation, I do not find it a fit case for grant of anticipatory bail.

The petitioner is directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on



its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

The State Government may consider investigation of the present case and other similar cases by the Special Investigation Team constituted under the orders of this Court passed in Cr. Misc. No. 52242 of 2013.

Let this order be communicated to the Chief Secretary, Bihar.

(Chakradhari Sharan Singh, J)

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